

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 06-20627

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

RICKEY LEE MARTIN,
Defendant,

_____ /

ORDER
DISMISSING CASE FOR LACK OF JURISDICTION

Defendant has filed this case pursuant to 28 U.S.C. § 2241 seeking an order moving up his outdate from Federal Custody.

Defendant is presently incarcerated in Kentucky.

Defense counsel concedes (Defendant's Reply to Government's Supplemental Exhibits and Amended Response, 3-13-009, P.2) that "the motion can only be filed in the district where Defendant is incarcerated."

The Report and Recommendation of the Magistrate Judge, (5-6-2009, P.4) agrees: "Because the court does not have jurisdiction over defendant's custodian, the action should be dismissed."

The Court concurs with the Magistrate Judge's Report and Recommendation and dismisses Petitioner's Complaint for lack of jurisdiction.

SO ORDERED.

s/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: July 13, 2009

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on July 13, 2009.

s/Denise Goodine

Case Manager